IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 928 OF 1995

Khalil Yakub Mujawar ..Appellant

versus

1. Pradip Rangrao Patil
2. The United India Insurance Co. Ltd. Kolhapur ..Respondents

Mr. Shantaram Dhepare i/b. R. V. More for the Appellant.

None for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 27TH JANUARY,2005

ORAL ORDER :

1. Heard learned counsel for the Appellant. Nobody is present for the Respondents.

2. Counsel for the appellant contended that the compensation of Rs.27,500/- and Rs.7,500/- awarded to the claimant is on higher side because the claimant has failed to produce any documentary evidence about the treatment taken by him in respect of his injury to the left eye. He contended that compensation of Rs.7,500/- under no fault liability

was sufficient in the circumstances. He also brought to my notice that there is a mistake in calculation of compensation in paragraph 10.

3. In the accident the claimant has suffered injury to his left eye. He has produced certificate of permanent disability that is his inability to see things properly. Looking to this disability, the Tribunal has awarded him Rs.4,000/- towards medical expenses and Rs.2,500/- for pains, sufferings, physical discomfort and Rs.20,000/- for permanent disability. I do not find that the Tribunal committed any mistake in awarding this compensation looking to the nature of injury and the disability suffered. Therefore, there is no merit in this appeal.

4. However, in paragraph 10 of the judgment, while making calculation of the amount under the different heads the amount is calculated as Rs.27,500/- but it should be Rs.26,500/-.

5. Therefore in the result, I pass the following order.

ORDER

. Appeal is partly allowed. Claim awarded to the claimant i.e Rs.27,500/- is reduced to Rs.26,500/-. No order as to costs as nobody is present for the Respondents.

27/1/2005 (D.G. DESHPANDE, J.)